

FILED
IN THE CIRCUIT COURT FOR MEIGS COUNTY, TENNESSEE
AT DECATUR

2007 AUG 30 P 3: 02

MARGARET GRIFFITH and
TINA GRAUL, next friends and Guardian of
NATHAN DANIEL GRIFFITH,
And MARGARET GRIFFITH and
TINA GRAUL, individually,
And TINA GRAUL, Executrix of the Estate
OF CARLTON E. GRIFFITH,
Plaintiffs,

U.S. DISTRICT COURT
EASTERN DIST. TENN.

BY _____ DEPT. CLERK

Civil Action No. 3632

Vs.

Jury Trial

AMERICAN BANKERS LIFE ASSURANCE
COMPANY OF FLORIDA,
And FIRST FORTIS LIFE INSURANCE
COMPANY,
Defendant

COMPLAINT

Come the Plaintiffs, MARGARET GRIFFITH, and TINA GRAUL, next friends and Guardian of NATHAN DANIEL GRIFFITH, and MARGARET GRIFFITH, and TINA GRAUL, individually, and TINA GRAUL, Executrix of the Estate of CARLTON E. GRIFFITH, and for cause of action says as follows:

I.

That the Plaintiffs are citizens and residents of Meigs County, Tennessee and that Meigs County, Tennessee is the proper venue for this case.

II.

That the Defendants are Insurance Companies and are authorized to do business in the State of Tennessee.

III.

FILED
MEIGS COUNTY CIRCUIT COURT
DATE 7-26-07

EXHIBIT

A

That the Plaintiff's first cause of action is in contract since the Defendants deny that a contract exists between the parties.

IV.

That the Plaintiffs would show unto this Honorable Court that the parties entered into a contract for Life Insurance, Policy number 26126138, an accidental death insurance policy, certificate number 29B35521B2EC.

V.

That after payments were made which would create a contract with the defendants, that there was an automobile accident on July 27, 2004, and that the insured Carlton Griffith was killed in an automobile accident in Meigs County, Tennessee.

VI.

That after it is established that a contract does exist between the parties, that the next cause of action for the Plaintiffs is a cause of action to recover under the insurance policy, insurance contract.

VII.

That the Plaintiffs would show unto this Honorable Court, that the effective date of the insurance policy was January 24, 2003, and that the named insured in the policy is Carlton E. Griffith, 1656 Mt. Caramel Road, Decatur, Tennessee, 37322-5826.

VIII.

That the Plaintiffs would further show that after the death of Carlton E. Griffith on July 27, 2004, that a claim was timely filed, and that several requests for payment have been made, and that payment was not made under the insurance policy for the benefits that should be paid to the Plaintiffs.

IX.

That Plaintiff's would further show that at all times herein mentioned, the Defendants were insurance companies, authorized to do business in the State of Tennessee and approved to do business by the Commissioner of Insurance of the State of Tennessee.

X.

That after the Plaintiffs show that a contract for insurance exists between the Plaintiffs and the Defendants, that the Court award the amount of insurance that would be shown in the insurance policy.

XI.

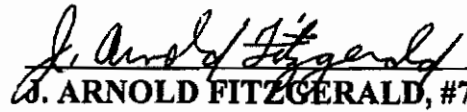
That a copy of the insurance policy is attached hereto and made a part hereof as fully as if copied in full herein.

PREMISES CONSIDERED, PLAINTIFFS PRAY:

1. That proper process issue and be served on the Defendants requiring them to appear and answer, but there oath thereto is expressly waived;
2. That the Plaintiffs pray for a declaration of rights under contract law and that there be a declaration made by this Honorable Court that there is in fact contractual relationship between the parties and that the Plaintiffs be allowed to recover in the amounts shown in the proof to the Court.
3. That the costs of this suit, including attorneys fees for the Plaintiff and a bad faith penalty and pre-judgment interest, be awarded against the Defendants.
4. That a Jury try the issues when joined.

5. Grant general relief.

Respectfully Submitted,


J. ARNOLD FITZGERALD, #796
Attorney for Plaintiffs
P.O. Box 227
Dayton, TN 37321
Ph: (423) 775-4000



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-1131

August 06, 2007

American Bankers Life Assur Co Of Fl
2908 Poston Avenue, % C S C
Nashville, TN 37203
NAIC # 60275

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7006 2150 0004 6621 1195
Cashier # 4705

Re: Margaret Griffith & Tina Graul V. American Bankers Life Assur Co Of Fl

Docket # 3632

To Whom It May Concern:

We are enclosing herewith a document that has been served on this department on your behalf in connection with the above-styled matter.

I hereby make oath that the attached Complaint was served on me on August 02, 2007 by Margaret Griffith & Tina Graul pursuant to Tenn. Code Ann. § 56-2-504 or § 56-2-506. A copy of this document is being sent to the Circuit Court of Meigs County, TN.

Brenda C. Meade
Designated Agent
Service of Process

Enclosures

cc: Circuit Court Clerk
Meigs County
P O Box 205
Decatur, Tn 37322

Service of Process 615.532.5260

State of Tennessee

CIRCUIT COURT FOR MEIGS COUNTY, TENNESSEE

MARGARET GRIFFITH and TINA GRAUL, next friends
And Guardian of NATHAN DANIEL GRIFFITH,
MARGARET GRIFFITH and TINA GRAUL, individually,
And TINA GRAUL, Executrix of the Estate of
CARLTON E. GRIFFITH,

Plaintiffs

VS.

Civil Summons

NO: 3632

AMERICAN BANKERS LIFE ASSURANCE COMPANY OF
FLORIDA and FIRST FORTIS LIFE INSURANCE COMPANY,
Defendant.

SERVE: AMERICAN BANKERS LIFE ASSURANCE COMPANY
OF FLORIDA
Through the Commissioner of Insurance

You are hereby summoned and required to serve upon J. ARNOLD FITZGERALD, plaintiff's attorney, whose address is P.O. Box 227, Dayton, TN 37321, an answer to the Complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service, and file a copy of the answer with this court within 30 days after answer is made. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

WITNESS, Carrell Davis of said Court; issued this 26 day of July, 2007.

Carrell Davis Clerk

By: Brandi L. L. Deputy Clerk

Received this ____ day of July, 2007.

_____, Sheriff-Deputy Sheriff

RETURN ON SERVICE OF SUMMONS

I hereby certify and return, that on the ____ day of July, 2007, I served this summons together with a copy of the complaint herein as follows:

_____, Sheriff-Deputy Sheriff

NOTICE

To the Defendant(s)

Tennessee law provides a four thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary, however, unless it is filed before the judgment becomes final, it will not be effective as to any execution of garnishment issued prior to the filing of the list. Certain items are automatically exempt by laws and do not need to be listed; these items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

THIS SUMMONS IS ISSUED PURSUANT TO RULE 4 OF THE TENNESSEE RULES OF CIVIL PROCEDURE.